



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
Acting General Counsel

FROM: Office of the Commission Secretary

DATE: May 25, 2001

SUBJECT: Statement of Reasons for MUR 5120

A handwritten signature, possibly "JD", is enclosed in a circle. It is positioned to the right of the "FROM:" line.

Attached is a copy of the Statement of Reasons for
MUR 5120 signed by Chairman Danny L. McDonald, Vice Chairman
David M. Mason, Commissioner Karl J. Sandstrom, Commissioner
Bradley A. Smith, Commissioner Scott E. Thomas, and Commissioner
Darryl R. Wold. This was received in the Commission Secretary's Office
on Friday, May 25, 2001 at 9:47 a.m.

cc: Vincent J. Convery, Jr.
Information Division
Press Office
Public Disclosure

Attachment



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In re Hillary Rodham Clinton for U.S. Senate Committee)

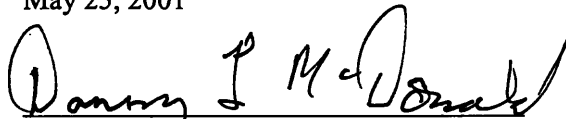
MUR 5120

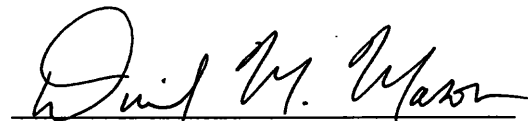
STATEMENT OF REASONS

On April 3, 2001, the Commission voted unanimously to find no reason to believe that Respondent Hillary Rodham Clinton for U.S. Senate Committee violated any provision of the Federal Election Campaign Act (FECA) by reason of the activities described in the complaint in this matter. The complaint alleged that the Clinton campaign had used a government-owned list of White House visitors to solicit funds for Mrs. Clinton's Senate campaign.¹ The response stated that "no contribution was made to the Committee when some pages of a list of names for a White House party were inadvertently mixed with other pieces of paper that included campaign lists [and] were subsequently added to the campaign database." Response at 1. Once the mistake was discovered, the campaign "deleted the party names from its database and returned the five contributions totaling \$275 received from individuals on the party list." Id.

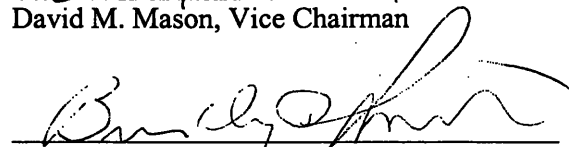
The FECA governs, among other things, "contributions" by any "person" to federal election campaigns. 2 U.S.C. § 431(8). The term "person," however, excludes the federal government. 2 U.S.C. § 431(11). Thus, even if, as alleged, federal assets were used in furtherance of Mrs. Clinton's Senate campaign, no "contribution" to her campaign would result.² When a complaint cites activity which does not constitute a violation of the FECA, the Commission may find no reason to believe. See Statement of Reasons in MUR 4960 (Clinton for U.S. Senate Exploratory Committee) and MUR 4869 (American Postal Workers Union).

May 25, 2001


Danny L. McDonald, Chairman


David M. Mason, Vice Chairman


Karl J. Sandstrom, Commissioner


Bradley A. Smith, Commissioner


Scott E. Thomas, Commissioner


Darryl R. Wold, Commissioner

¹ The General Counsel recommended dismissing the matter as a low-rated case under the Commission's Enforcement Priority System because Respondent took some remedial action and the matter is less significant relative to other matters pending before the Commission.

² Compare 11 CFR 106.3 (costs of government-provided conveyance/accommodations are reportable). This requirement does not, however, extend to other government-provided assets and, under the FECA, there is no reimbursement requirement for any such assets. See, similarly, 11 CFR §§ 9004.7(b)(5) and 9034.7(b)(5) (publicly funded presidential candidates must reimburse the government for the costs of government-provided conveyance/accommodations).